

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

FILED JUN - 2 2000

Division For The Purpose Of
Appointing Independent Counsels

Special Division

Ethics In Government Act Of 1978, As Amended

In re: Bruce Edward Babbitt

)
) Division No. 98-1
)
)

Before: SENTELLE, Presiding Judge, FAY and CUDAHY, Senior Circuit Judges

RESPONSE OF PATRICK J. O'CONNOR TO DISCLOSED PORTIONS OF
FINAL REPORT OF THE INDEPENDENT COUNSEL

Patrick J. O'Connor, by and through his undersigned counsel, hereby responds to the portions of the Final Report of Independent Counsel Carol Elder Bruce in the matter of Bruce Edward Babbitt (hereinafter "Final Report") that were disclosed to Mr. O'Connor.¹

The Final Report seeks to conjure up the illusion of wrongdoing where the actual evidence has shown that no wrongdoing occurred. By filling hundreds of pages with cryptic calendar entries, notes, and excerpts from memoranda and letters - - much of which is taken out of context - - the Independent Counsel has succeeded in obscuring if not completely burying the exculpatory conclusions that she was compelled to reach *by the evidence*. The reader must wade through more than three hundred pages of the Final Report to learn that **"the evidence . . . does not prove that the contributions made by [the Hudson casino] opponents . . . were part of a quid pro quo arrangement. Furthermore, there is considerable evidence that a variety of facts and**

¹Mr. O'Connor and his counsel were only permitted to inspect slightly over 100 pages of the Final Report which, according to the numbering sequence of the excerpts disclosed to Mr. O'Connor, exceeds 400 pages in total length.